

REMARKS

The present application includes claims 1-20. By this preliminary amendment claims 1-20 have been canceled and new claims 21-43 have been added.

New claims 21-39 recite a method of forming individual strips of an edible material using ultrasonic slitting. Claims 21-39 are similar to claims 1, 6-10, 12-18, 23-26 and 28 of issued U.S. Patent No. 6,368,647 ("the '647 patent"). The difference between the claims presented by this preliminary amendment and those of the '647 patent is the substitution of the term "edible material" for terms like "confectionary product", "confectionary stock", and "confectionary material."

New claims 40 and 42 recite ultrasonic processing of edible material wherein at least one of the horns is oriented at an angle of about 20 degrees to about 70 degrees with respect to the horizontal plane of a conveyor which supplies a slab of the edible material. The prior art of the issued parent application, the '647 patent, does not teach ultrasonic processing of edible material using a plurality of horns wherein at least one of the horns is oriented at an angle of about 20 degrees to about 70 degrees.

New claims 41 and 43 are identical to new claims 40 and 42 except for substitution of the term "blades" for the term "horns". Similarly, the prior art of the parent application, the '647 patent, does not teach ultrasonic processing of edible material using a plurality of blades wherein at least one of the blades is oriented at an angle of about 20 degrees to about 70 degrees.

The Applicant recognizes that some overlap may occur between the present claims and the claims of the parent case. Applicant will be willing to file a terminal disclaimer if desired by the Examiner.

Thus, the Applicant respectfully submits that new claims 21-43 should be in condition for allowance.

CONCLUSION

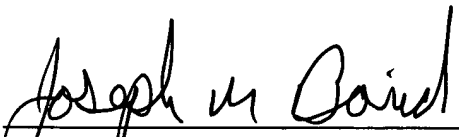
The Applicant looks forward to working with the Examiner to resolve any remaining issues in the application.

If the Examiner has any questions or the Applicant can be of any assistance, the Examiner is invited and encourage to contact the Applicant at the number below.

The Commissioner is authorized to charge any necessary fees or credit any overpayment to the Deposit Account of McAndrews, Held & Malloy, Account No. 13-0017.

Respectfully submitted,

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